

## Exhibit 2

**VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF VIRGINIA BEACH**

**TATYANA BABAKAEVA, and  
OLGA GUSKOVA,**

**Plaintiffs,**

**v.**

**Case No.: CL21-716**

**C. JEFFREY MOORE, and  
658 WATERS DRIVE, LLC,**

**Defendants.**

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**MOTION TO DISMISS**

NOW COME the defendants, C. Jeffrey Moore and 658 Waters Drive, LLC, by counsel, for their motion to dismiss the complaint and state as follows:

1. On or about February 18, 2021, Tatyana Babakaeva and Olga Guskova, individually, filed this action against the defendants for alleged FDCPA violations, slander of title, infringement of service mark, intentional infringement of service mark, and personal and professional defamation. The individual plaintiffs do not have standing to assert all of these claims against the defendants.

2. As is made clear by the allegations made in the complaint, the individual plaintiffs' partnership is a necessary party in this action. See Compl. ¶¶ 6, 12, Count III, Count IV, and exhibit 1.

3. Under Virginia law, the necessary party doctrine requires all necessary parties to an action to be joined. A necessary party is "[a]ll persons interested in the subject matter of a suit and to be affected by its results . . . ." Siska Trust v. Milestone Dev. LLC, 715 S.E.2d 21, 23 (Va. 2011) (quoting Bonsal v. Camp, 69 S.E. 978, 979 (Va. 1911) (internal quotation marks and citation omitted)).

4. The plaintiffs plead that they are conducting business as a partnership pertaining to the property, including for rental purposes, and it is clear from exhibit 1 that the mark was issued to Tatyana Babakaeva and Olga Guskova, 658 Waters Drive, Virginia Beach, VA 23462, *A Virginia Partnership* (emphasis added).

5. The Court cannot render a valid or enforceable judgment in this matter in the absence of the partnership. As a result, the Court should refuse to exercise subject matter jurisdiction in this case and dismiss it.

WHEREFORE, the defendants seek entry of an order dismissing this case for failure to name a necessary party.

C. JEFFREY MOORE and 658 WATERS  
DRIVE, LLC

By: 

Counsel

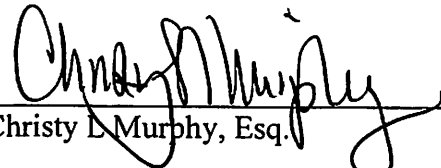
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*Counsel for the plaintiff*

#### **CERTIFICATE OF SERVICE**

This is to certify that a true and accurate copy of the foregoing was mailed on this 12th day of March, 2021, to the following:

Tatyana Babakaeva  
658 Waters Drive  
Virginia Beach, VA 23462

Olga Guskova  
658 Waters Drive  
Virginia Beach, VA 23462

  
Christy L. Murphy, Esq.